

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Michelle DeJesus,

Plaintiff,

—v—

Commissioner of Social Security,

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: JUN 08 2015

13-cv-7913 (AJN)

ORDER

ALISON J. NATHAN, District Judge:

Before the Court is Judge Pitman's report and recommendation ("R & R") recommending that the Court grant the Commissioner of Social Security's (the "Commissioner") motion to dismiss or, in the alternative, for summary judgment, dismissing the case as untimely. *See* Dkt. No. 13. When a magistrate judge issues findings or recommendations, the district court "may accept, reject, or modify [them] in whole or in part." 28 U.S.C. § 636(b)(1). Plaintiff was required to submit any objections to Judge Pitman's R & R by June 1, 2015. *See* Dkt. No. 18. As of June 8, 2015, Plaintiff has failed to file any objection to the R & R. When no party has filed objections to the magistrate's R & R, the Court reviews it only for clear error. *See Gomez v. Brown*, 655 F.Supp.2d 332, 341 (S.D.N.Y. 2009). "A decision is 'clearly erroneous' when the reviewing Court is left with the definite and firm conviction that a mistake has been committed." *Courtney v. Colvin*, 13-cv-02884 (AJN), 2014 WL 129051, at *1 (S.D.N.Y. Jan. 14, 2014).

Having reviewed Judge Pitman's well-reasoned R & R, and finding no clear error therein, the Court adopts the R & R in its entirety. The Commissioner's motion to dismiss or, in the alternative, for summary judgment is hereby GRANTED. This resolves Dkt. No. 13 and the Clerk of Court is instructed to terminate the case.

SO ORDERED.

Dated: June 8, 2015
New York, New York

A handwritten signature in dark ink, appearing to read 'Alison J. Nathan', is written over a horizontal line.

ALISON J. NATHAN
United States District Judge